

ORDINANCE NO. O-C-12-11

AN ORDINANCE VACATING CERTAIN PLATTED
BUT UNIMPROVED PUBLIC RIGHTS-OF-WAY LOCATED
IN TELL CITY DISANNEXED IN PERRY COUNTY, INDIANA

WHEREAS, a petition has been filed with the Board of Commissioners of Perry County, Indiana by Dow Brock in which the petitioner has sought to vacate certain unimproved public rights-of-way, all as hereinafter described, and a copy of which petition is on file with the Auditor of Perry County, Indiana; and

WHEREAS, the Board of Commissioners of Perry County, Indiana conducted a hearing on such petition on October 17, 2012 at 6:00 o'clock p.m. in the Commissioners Room of the Perry County Courthouse, 2219 Payne Street, Tell City, Indiana which was designated as the time and place for a public hearing on said petition; and

WHEREAS, at the aforesaid hearing on October 17, 2012 the Board of Commissioners of Perry County, Indiana determined that the notice of the filing of said petition and the time and place of the hearing thereon had been duly given by the Auditor of Perry County, Indiana and further by proof of publication that such notice was published in the *Perry County News* on September 27, 2012 as shown by the Publisher's Affidavit filed with the Auditor; and

WHEREAS, consents or agreements from all utilities occupying or using any part of such portion of the platted but unimproved public rights-of-way sought to be vacated have now been filed with the Auditor of Perry County, Indiana; and

WHEREAS, the Board of Commissioners of Perry County, Indiana having determined that no reasons exist why the portion of such platted but unimproved public rights-of-way sought to be vacated should not be vacated; and

WHEREAS, the Board of Commissioners of Perry County, Indiana now finds that such petition should be granted.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Commissioners of Perry County, Indiana as follows:

Section One. The following described portion of the public rights-of-way located in Tell City Disannexed in Perry County, Indiana be and hereby are vacated from and after the passage of this ordinance:

Beginning at a point 160 feet South of the Northeast corner of Block 499 in Tell City Disannexed, being on the East boundary line of Block 499; thence South 320 feet along the Eastern boundary of Block 499 to the Southeast corner of said block and the point of beginning: Thence 70 feet South across platted Blum Street to the Northeast corner of Block Number 500; thence South 320 feet along the East boundary line of Block Number 500 to a point; thence West 300 feet to the Western boundary of Block 500; thence continuing West 40 feet to the centerline of platted 30th Street; thence South along the centerline of platted 30th Street and 40 feet East of and parallel to the Eastern boundary of Block 480 in Tell City Disannexed a distance of 160 feet; thence continuing 70 feet south along said centerline across platted Gutenberg Street; thence continuing South in the centerline of platted 30th Street 444.48 feet East and parallel to the Eastern boundary of Block 481; thence West 40 feet to the Eastern boundary of Block 481; thence North 444.48 feet along the Eastern boundary of Block 481 to the Northeastern corner of Block 481; thence West across the Northern boundary of Block 481 to the Northwest corner of Block 481; thence South 446.89 feet to a point on the Western boundary of Block 481; thence West 80 feet across platted 29th Street to a point on the Eastern boundary of Block 461; thence North along the Eastern boundary of Block 461 to the Northeast corner of Block 461; thence continuing North across platted Gutenberg Street 70 feet to the Southeast corner of Block 460; thence North along the Eastern boundary of Block 460 to the Northeast corner of Block 460; thence West 76.23 feet on a point on the Northern boundary line of Block 460; thence North 01 degrees 32 minutes 7 seconds 70 feet to a point on the Southern boundary of Block 459; thence 74.42 feet East to the Southeast corner of said block; thence North 160 feet along the Eastern boundary of Block 459; thence East 80 feet across platted 29th Street to a point on the West boundary of Block 479, 160 feet North of said Southwest corner; thence continuing South along the Western boundary of said Block 479 to the Southwest corner of Block 479; thence East 300 feet along the Southern boundary line of Block 479 to the Southeast corner of Block 479; thence North along the Eastern boundary of said Block 479 160 feet to a point on said Eastern boundary line; thence East 40 feet to the centerline of platted 30th Street; thence continuing North 160 feet along the centerline of platted 30th Street to a point; thence East to a point on the West line of Block 499 which is 160 feet South of the Northwest corner of said block; thence South along the Western boundary of Block 499, 320 feet to the Southwest corner of Block 499; thence East along the Southern boundary of Block 499, 300 feet to the point of beginning.

Section Two. That from and after the passage of this ordinance no public utility shall have the right to use any part of the real estate vacated above.

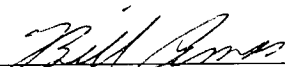
Section Three. The Auditor of Perry County, Indiana from and after the passage of this ordinance is hereby directed to furnish a copy of this ordinance to the Perry County Auditor's Office and to the Perry County Recorder's Office for filing in their respective offices.

Section Four. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.


Section Five. Within 30 days after the adoption of this ordinance any aggrieved person may appeal the adoption of this ordinance in the Circuit Court of Perry County, Indiana.

Section Six. This ordinance shall be in full force and effect from and after its passage, signing and approval by the Board of County Commissioners of Perry County, Indiana.

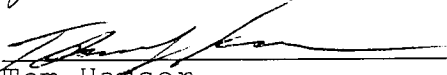
Passed and adopted by the County Commissioners of Perry County, Indiana this 17th day of October, 2012.



Bill Amos

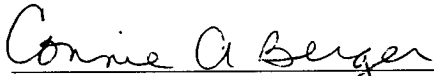


Jody Fortwendel



Tom Hauser

ATTESTED BY:



Connie Berger, Auditor

jch\document\vacate street county ordinance Brock

EXHIBIT "A"

Beginning at a point 160 feet South of the Northeast corner of Block 499 in Tell City Disannexed, being on the East boundary line of Block 499; thence South 320 feet along the Eastern boundary of Block 499 to the Southeast corner of said block and the point of beginning: Thence 70 feet South across platted Blum Street to the Northeast corner of Block Number 500; thence West 300 feet to the northwest corner of Block 500; thence South 320 feet along the West boundary line of Block Number 500 to a point; thence continuing West 40 feet to the centerline of platted 30th Street; thence South along the centerline of platted 30th Street and 40 feet East of and parallel to the Eastern boundary of Block 480 in Tell City Disannexed a distance of 160 feet; thence continuing 70 feet south along said centerline across platted Gutenberg Street; thence continuing South on the centerline of platted 30th Street 444.48 feet and parallel to the Eastern boundary of Block 481; thence West 40 feet to the Eastern boundary of Block 481; thence North 444.48 feet along the Eastern boundary of Block 481 to the Northeastern corner of Block 481; thence West across the Northern boundary of Block 481 to the Northwest corner of Block 481; thence South 446.89 feet to the southwest corner of Block 481; thence West 20 feet across platted 29th Street to a point; thence Northwesterly on a diagonal to the centerline of Gutenberg on 29th Street; thence continuing Northwesterly on a line to a point in the East boundary of Block 460 which is 326.21 feet South of the Northeastern corner of Block 460; thence North along the Eastern boundary of Block 460 to the Northeast corner of Block 460; thence West 76.23 feet on a point on the Northern boundary line of Block 460; thence North 01 degrees 32 minutes 7 seconds 70 feet to a point on the Southern boundary of Block 459; thence 74.42 feet East to the Southeast corner of said block; thence North 160 feet along the Eastern boundary of Block 459; thence East 80 feet across platted 29th Street to a point on the West boundary of Block 479, 160 feet North of said Southwest corner; thence continuing South along the Western boundary of said Block 479 to the Southwest corner of Block 479; thence East 300 feet along the Southern boundary line of Block 479 to the Southeast corner of Block 479; thence North along the Eastern boundary of said Block 479 160 feet to a point on said Eastern boundary line; thence East 40 feet to the centerline of platted 30th Street; thence continuing North 160 feet along the centerline of platted 30th Street to a point; thence East to a point on the West line of Block 499 which is 160 feet South of the Northwest corner of said block; thence South along the Western boundary of Block 499, 320 feet to the Southwest corner of Block 499; thence East along the Southern boundary of Block 499, 300 feet to the point of beginning.

DULY ENTERED FOR TAXATION	
10-18	20 12
Connie A. Berger	
Perry Co. Auditor	
Parcel # 62-13-33-480-452.002-006	